

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION OF MASTER DOCKET
THE KINGDOM OF DENMARK
(SKATTEFORVALTNINGEN) TAX REFUND 18-md-02865-LAK
SCHEME LITIGATION

This document relates to: The cases
 identified in
 Appendix A

INVESTOR DEFENDANTS' MOTION FOR SEVERANCE

PLEASE TAKE NOTICE that defendants Richard Markowitz, John van Merkensteijn and Robert Klugman (the “Investor Defendants”), by their undersigned counsel, will apply before the Honorable Lewis A. Kaplan of the U.S. District Court for the Southern District of New York at the Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007, at a time and date to be determined by the Court, for an order under Rules 21 and 42(b) of the Federal Rules of Civil Procedure severing the claims against the Investor Defendants from those against defendant Michael Ben-Jacob (“Ben-Jacob”) and joining Ben-Jacob in requesting the relief sought in Ben-Jacob’s motion for severance filed contemporaneously herewith for the reasons set forth in the Investor Defendants’ submissions dated January 4, 2024 (Dkt. 948), January 24, 2024 (Dkt. 953) and February 7, 2024 (Dkt. 955).

Dated: New York, New York
May 10, 2024

Respectfully submitted,

KOSTELANETZ & FINK, LLP

/s/ Sharon L. McCarthy

Sharon L. McCarthy
7 World Trade Center, 34th Floor
New York, New York 10007
Tel: (212) 808-8100
smccarthy@kflaw.com

Attorneys for Defendants John van Merkensteijn, III, Elizabeth van Merkensteijn, Azalea Pension Plan, Basalt Ventures LLC Roth 401(K) Plan, Bernina Pension Plan, Bernina Pension Plan Trust, Michelle Investments Pension Plan, Omineca Pension Plan, Omineca Trust, Remece Investments LLC Pension Plan, Starfish Capital Management LLC Roth 401(K) Plan, Tarvos Pension Plan, Voojo Productions LLC Roth 401(K) Plan, Xiphias LLC Pension Plan

WILMER CUTLER PICKERING HALE AND
DORR LLP

/s/ Alan E. Schoenfeld

Alan E. Schoenfeld
7 World Trade Center 250 Greenwich Street
New York, NY 10007
Telephone: (212) 230-8800
alan.schoenfeld@wilmerhale.com

Attorneys for Defendants Richard Markowitz, Jocelyn Markowitz, Avanix Management LLC Roth 401(K) Plan, Batavia Capital Pension Plan, Calypso Investments Pension Plan, Cavus Systems LLC Roth 401(K) Plan, Hadron Industries LLC Roth 401(K) Plan, RJM Capital Pension Plan, RJM Capital Pension Plan Trust, Routt Capital Pension Plan, Routt Capital Trust

KATTEN MUCHIN ROSENMAN LLP

/s/ David L. Goldberg

David L. Goldberg

Michael M. Rosensaft

50 Rockefeller Plaza

New York, NY 10020

Tel.: (212) 940-8800

Fax: (212) 940-8776

david.goldberg@katten.com

*Attorneys for Defendants Robert Klugman, RAK
Investment Trust, Aerovane Logistics LLC Roth
401K Plan, Edgepoint Capital LLC Roth 401K
Plan, Headsail Manufacturing LLC Roth 401K
Plan, The Random Holdings 401K Plan, The Stor
Capital Consulting LLC 401K Plan*